

5 means for establishing communication channels of predetermined data transmission rates;

means for transmitting a communication at an initial data rate using at least one channel;

10 means for monitoring said communication and determining an adjusted data rate desired for continued support of said communication;

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means for allocating a sufficient number of channels for the communication based on the adjusted data rate such that the sum of the data rates of the allocated channels is at least equal to the adjusted [selected] data rate and is not greater than the adjusted data rate plus a predetermined rate; and

15 means for continuing the transmission of said communication within said allocated channels whereby said station dynamically adds or tears down channels for said communication by changing the number of allocated channels during said communication.

REMARKS

The drawings have been objected to as including boxes which are not properly labeled and figure numbers which are not clearly labeled. Claims 1-16 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 1 and 2 have been rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 5,671,218 (I et al.).

With respect to the objection regarding the drawings, Applicant submits herewith formal drawings for review by the Examiner. The drawings are also being submitted concurrently herewith to the draftsman for approval.

With respect to the rejection of claims 1-16 under 35 U.S.C. §112, second paragraph as being indefinite, Applicant has amended claims 1 and 4 to address the Examiner's rejections. It is respectfully submitted that the §112 indefiniteness rejection is now moot.

With respect to the rejection of claims 1 and 2 under 35 U.S.C. §103(a) as being unpatentable over I, Applicant respectfully disagrees. As the Examiner has correctly noted, I does not explicitly teach that wireless devices also have means for determining the means for data rate. Applicant respectfully submits that I does not teach or suggest that these wireless devices have means for determining the data rate. Further, it would not be obvious for such a capability. I's disclosure specifically teaches away from the present invention by categorizing the type of wireless device, at least in part, by the data rate of the particular wireless device. In I, although the data rate for each device may be different, there is no disclosure that the data rate is variable for a particular device. Accordingly, once the data requirements of a particular device are established, I does not disclose any means for varying those data rates during a communication.

The portion of I's specification that the Examiner refers to at column 6, line 12 through column 7, line 4 discloses the power requirements for a particular device having a certain data rate compared to a second device having a second data rate. I's disclosure is directed to adjusting the power to suit the data rate requirements. There is no disclosure in

I of the claimed "means for determining the data rate" and "transmission means... responsive to said first determining means" as is presently claimed. I's teaching focuses solely on adjustment of power, not dynamically allocating channels having different data rates according to the data requirements of the particular communication.

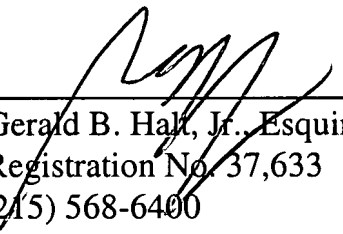
It is respectfully submitted that claims 1-20 are condition for allowance. Accordingly, reconsideration and allowance of the claims is respectfully requested.

If the Examiner believes an interview, either personal or telephonic, would facilitate allowance of the claims, he is respectfully requested to contact the undersigned at (215) 568-6400.

Reconsideration and allowance of the claims is respectfully requested.

Respectfully submitted,

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Enclosure